

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

ARIEL GRANT,

Plaintiff,

vs.

No. _____

DAVID'S CONSTRUCTION,
VOLUNTEER STATE CONSTRUCTION,
and ALEJANDRO CONTRERAS,

Defendants.

_____ /

COMPLAINT

Plaintiff, ARIEL GRANT, sues the Defendants, DAVID'S CONSTRUCTION, VOLUNTEER STATE CONSTRUCTION and ALEJANDRO CONTRERAS ("CONTRERAS" or "DEFENDANT CONTRERAS") and states to the Court:

PARTIES

1. ARIEL GRANT is a resident of Palm Beach County, Florida.
2. On information and belief, DAVID'S CONSTRUCTION is a company or assumed name doing business in Davidson County, Tennessee that is controlled and operated by ALEJANDRO CONTRERAS. DAVID'S CONSTRUCTION may be served process by serving ALEJANDRO CONTRERAS at 1019 Patricia Drive, Apt. L3, Nashville, Tennessee.

3. On information and belief, VOLUNTEER STATE CONSTRUCTION is a company or assumed name doing business in Davidson County, Tennessee that is owned and operated by ALEJANDRO CONTRERAS. VOLUNTEER STATE CONSTRUCCION may be served by serving ALEJANDRO CONTRERAS at 1019 Patricia Drive, Apt. L3, Nashville, Tennessee.

4. On information and belief, ALEJANDRO CONTRERAS is a resident of Nashville, Davidson County, Tennessee and may be served process by serving him at 1019 Patricia Drive, Apt. L3, Nashville, Tennessee.

5. The defendants set forth in paragraphs two (2) through four (4) may collectively be referred to as “Defendants.”

VENUE AND JURISDICTION

6. Many of the acts complained of occurred in Nashville, Davidson County, Tennessee. This Court is the appropriate venue for the action.

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) as complete diversity of citizenship exists and the amount in controversy exceeds \$75,000, exclusive of costs and interest.

FACTS

8. On or around August 17, 2020 at 5:30 a.m., on information and belief, Defendant CONTRERAS and/or an agent of Defendants was operating a truck (“Truck”) for the use and benefit of his roofing and construction business(es), DAVID’S CONSTRUCTION and/or VOLUNTEER STATE CONSTRUCTION, headed westbound on Interstate 24 near mile marker 39.4.

9. On information and belief, the Truck was a 2003 GMC Vin # 1GDJC34U33E274984 and was equipped with makeshift particle board walls over the rear portion and is depicted in the photograph below:



10. On information and belief, DAVID'S CONSTURCTION is the registered owner of the Truck.

11. At the time the Truck was on the roadway, the Defendants had not properly maintained and/or inspected the left rear wheels of the Truck and the wheels were loose and presented a danger to the motor public that they would disengage and roll into traffic.

12. At or near the same time, Plaintiff ARIEL GRANT was a passenger in a 2001 Chevrolet Tahoe ("Tahoe") that was owned and operated by, Justin MacIntyre. The Tahoe was also traveling westbound on Interstate 24 in the left lane.

13. The Truck was traveling ahead of the Tahoe. Suddenly and without warning the left rear wheels of the Truck flew off and rolled towards the Tahoe.

14. After they flew off, one of the wheels struck the Tahoe's right fender, causing the Tahoe to veer off the highway, flip over a wire guardrail and roll over several times, finally coming to a stop in the median near mile marker 39.4. Below are pictures of both the scene of the crash and the Tahoe.



15. The left rear portion of the Truck axle is depicted in the photo below, after the wheels had flown off and one wheel struck the Tahoe:



16. Defendants failed to use reasonable care and were therefore negligent for operating a motor vehicle without having properly maintained and/or inspected the wheels of the truck and the Defendants knew or should have known that the wheels were prone to fly off. Operating a Truck on a highway in such a blatant state of disrepair is reckless and wanton for the safety of the motoring public.

17. Defendants DAVID'S CONSTRUCTION and/or VOLUNTEER STATE CONSTRUCTION are liable for the negligence of their agent, Defendant CONTRERAS under the doctrines of bailment, *respondeat superior*, master/servant and agency.

18. Defendants were negligent for failing to exercise reasonable care under the circumstances and, as a direct and proximate cause of the negligence, the Defendants as set forth herein, ARIEL GRANT suffered severe, painful, permanent and debilitating injuries, including but not limited to:

- a) fractured right thumb which required surgical intervention;
- b) triquetral fracture and tenosynovitis of the right wrist;
- c) posterior tibial and peroneus longus tendinosis;

- d) achilles tendinosis;
- e) tibiotalar joint infusion of the left ankle;
- f) and other damages and injuries caused by the trauma from the impact.

19. ARIEL GRANT is entitled to recover damages from the Defendants, jointly and severally, for her personal injuries and past and future: pain and suffering (past and future), lost enjoyment of life, reasonable and necessary medical expenses (past and future), lost earning capacity, and all other damages allowed under Tennessee law.

WHEREFORE, ARIEL GRANT requests the following relief:

- 1. A trial by jury;
- 2. For process to issue and serve on all Defendants;
- 3. A judgment against the Defendants for compensatory damages in an amount to be determined by the jury in excess of the jurisdictional minimum;
- 4. Discretionary costs and court costs; and
- 5. Such other relief as the Court deems just and proper

Respectfully submitted,

THE LAW FIRM FOR TRUCK SAFETY, LLP

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